

REAL ESTATE BOARD

MINUTES OF MEETING

December 4, 2003

The Real Estate Board met at the Department of Professional and Occupational Regulation, 3600 W. Broad Street, Richmond, Virginia. The following Board members were present:

S. Ronald Owens, Vice Chairman
Marjorie Clark
Florence Daniels
Sharon Parker Johnson
Herman Key, Jr.
R. Schaefer Oglesby
Byrl Phillips Taylor

Board Members not present:

Gerald S. Divaris
Frank J. Quayle, III

DPOR Staff present for all or part of the meeting included:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director
Christine Martine, Executive Director
John Cancelleri, Fair Housing Administrator
Carol Mitchell, Dispute Resolution Manager
Liz Hayes, Fair Housing Investigative Supervisor
Earlyne Perkins, Legal Assistant
Camille C. Palmer, Administrative Assistant

No representative from the Office of the Attorney General was present.

Vice Chairman Owens called the meeting to order at 9:15 a.m.

Call to Order

Ms. Ryals welcomed Byrl Phillips Taylor, new Board member, to the Board.

No one addressed the Board during the **Public Comment period**.

Public Comment Period

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to approve the **agenda** as amended. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

Agenda

A motion was made by Mr. Oglesby and seconded by Ms. Clark to adopt the **minutes** of the **June 27, 2003 IFF Conferences**. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

Minutes

A motion was made by Mr. Oglesby and seconded by Ms. Daniels to adopt the **minutes** of the **October 20, 2003 IFF Conferences**. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to adopt the **minutes** of the **October 21, 2003 IFF Conferences**. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to adopt the **minutes** of the **October 22, 2003 IFF Conferences**. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Johnson to adopt the **minutes** of the **October 23, 2003 Board Meeting** as amended. In File Number 2003-03268, page five (5), Mr. Gearhart should have been listed as the applicant’s broker instead of the applicant’s attorney. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Johnson, Key and Taylor. Ms. Daniels abstained from the vote because she was not present at the October 23, 2003 Board meeting. There were no negative votes.

A motion was made by Ms. Johnson and seconded by Mr. Oglesby to adopt the **minutes** of the **October 23, 2003 (AM) IFF Conferences**. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

A motion was made by Ms. Johnson and seconded by Mr. Oglesby to adopt the **minutes** of the **October 23, 2003 (PM) IFF Conferences**. The

motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

A motion was made by Ms. Daniels and seconded by Mr. Oglesby to adopt the **minutes** of the **November 18, 2003 IFF Conferences**. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

A motion was made by Mr. Oglesby and seconded by Ms. Daniels to adopt the **minutes** of the **December 2, 2003 Real Estate Board Exam Workshop**. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

Vice Chairman Owens opened the floor for nominations of Chairman and Vice Chairman. A motion was made by Mr. Oglesby to nominate Mr. Owens as Chairman and seconded by Ms. Daniels. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. Mr. Owens was **elected** Chairman. There were no negative votes.

Election of Officers

A motion was made by Mr. Owens to nominated Mr. Oglesby as Vice Chairman and seconded by Ms. Daniels. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. Mr. Oglesby was **elected** Vice Chairman. There were no negative votes.

In the matter of **REB File Number 2002-00691, Elaine Gillard v. John R. Beard and Beard Development Corporation**, a motion was made by Ms. Clark and seconded by Mr. Key to defer the aforementioned case back to the Fair Housing Office to conduct additional investigations. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

Fair Housing Administrator’s Report

In the matter of **REB File Number 2001-03298, The ARC of the Piedmont v. Wallace Gibson, Gibson Management Group, t/a Landlord Tenant Services** a motion was made by Ms. Clark and seconded by Mr. Oglesby to initiate an administrative hearing. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

A motion was made by Ms. Clark and seconded by Ms. Daniels to approve the **Fair Housing Minutes of October 23, 2003**. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

Fair Housing Minutes

In the matter of **File Number 2002-02288, David L. Morton**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member’s summary. Ms. Kevette Elliott, attorney for the respondent, and Mr. Morton, respondent, were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Key to accept the recommendation contained in the Summary of the Informal Fact Finding Conference finding a violation of the Code of Virginia § 54.1-2138(A) for Count I. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-02288
David L. Morton

A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact Finding Conference finding a violation of the Code of Virginia § 54.1-2131(A)(4) for Count II. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact Finding Conference instead imposing a \$100.00 monetary penalty for the violation of the Code of Virginia § 54.1-2138(A) for Count I. The motion failed because there was no second to the motion.

A motion was made by Ms. Johnson and seconded by Mr. Key to accept the recommendation contained in the Summary of the Informal Fact Finding Conference imposing no monetary penalty for the violation of the Code of Virginia § 54.1-2138(A) for Count I. The motion passed by majority vote. Members voting “Yes” were Oglesby, Johnson, Key and Taylor. Member voting “No” was Ms. Daniels. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Mr. Key and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact

Finding Conference imposing a \$200.00 monetary penalty for the violation of the Code of Virginia § 54.1-2131(A)(4) for Count II. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00535, Susan S. Murphy**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member’s summary. Mr. William Bischoff, the respondent’s attorney and Ms. Murphy, respondent were present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board’s 1999 Regulation 18 VAC 135-20-300(9) for Count I. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-00535
Susan S. Murphy

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board’s 1999 Regulation 18 VAC 135-20-310(1) for Count II. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$250.00 monetary penalty for the violation of the Board’s 1999 Regulation 18 VAC 135-20-300(9) for Count I. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$250.00 monetary penalty for the violation of the Board’s 1999 Regulation 18 VAC 135-20-310(1) for Count II. The total monetary penalty imposed is \$500.00. The motion

passed by majority vote. Members voting “Yes” were Oglesby, Daniels, Johnson, and Taylor. Member voting “No” was Key. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00606, Jean C. Redisch**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member’s summary. Mr. Mark Lewis, applicant’s attorney and Ms. Redisch, applicant were present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to approve Ms. Redisch’s real estate broker’s license application. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-00606
Jean C. Redisch

In the matter of **File Number 2004-00811, Issam Khatib**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer’s summary. Mr. Brian Drummond, applicant’s attorney and Mr. Khatib, applicant were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Mr. Key to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to approve Mr. Khatib’s application for a real estate salesperson’s license with the stipulation that an Agreement for Licensure be entered into with the Board on a quarterly basis for a period of two years. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who reviewed the application file, did not participate in the discussion or vote in this matter.

File Number 2004-00811
Issam Khatib

In the matter of **File Number 2002-03460, Dorothy W. Lanier**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member’s summary. Ms. Lanier was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Key to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding violation of § 54.1-2131(A)(2)(c) of the Code of Virginia for Count I. The motion passed by majority vote. Members voting “Yes” were Oglesby, Daniels, Key and Taylor. There Board member voting “No” was Johnson. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-03460
Dorothy W. Lanier

A motion was made by Mr. Key and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to impose a \$250.00 monetary penalty for the violation of § 54.1-2131(A)(2)(c) of the Code of Virginia for Count I. The motion failed. Members voting “Yes” were Key and Daniels. Members voting “No” were Johnson, Oglesby and Taylor

A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing no monetary penalty for the violation of § 54.1-2131(A)(2)(c) of the Code of Virginia for Count I. The motion passed by majority vote. Members voting “Yes” were Johnson, Oglesby and Taylor. Members voting “No” were Key and Daniels. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00654, Robert Matthew Grandon**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer’s summary. Mr. Grandon was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Grandon’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. Mr. Owens and Ms. Clark, who reviewed the application file, did not participate in the discussion or vote in this matter.

File Number 2004-00654
Robert Matthew
Grandon

In the matter of **File Number 2003-02558, Jerry J. Morewitz**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member’s summary. Mr. Morewitz, applicant and Mr. Herby Morewitz, applicant’s perspective broker were present and addressed the Board. A motion was made by Ms. Clark and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Morewitz’s application for a real estate broker license with the amendment that RV sales is not an occupation whereby knowledge of real estate would be retained therefore, Mr. Morewitz doesn’t meet current education requirements. The motion passed unanimously. Members voting “Yes” were Owens, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-02558
Jerry J. Morewitz

In the matter of **File Number 2004-00842, Wallace B. Hughes**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Hughes, applicant and his broker were present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to approve Mr. Hughes's application for a real estate broker's license. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-00842
Wallace B. Hughes

In the matter of **File Number 2004-01270, Rosalind M. Bacon**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Ms. Bacon was present and addressed the Board. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Bacon's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

File Number 2004-01270
Rosalind M. Bacon

In the matter of **File Number 2004-01017, Keiko Monier**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Ms. Monier was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Ms. Clark to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Monier's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

File Number 2004-01017
Keiko Monier

In the matter of **File Number 2004-01156, Edith Laverne Shears**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Ms. Shears was present and addressed the Board. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference with the correction of the year to 1968, the year Ms. Shears attended Virginia Union University, to approve Ms. Shears' application for a real estate salesperson's license. The motion passed

File Number 2004-01156
Edith Laverne Shears

unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

In the matter of **File Number 2004-01266, Patrick Mike Gibrall, Sr.**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer’s summary. Mr. Mark Wilson, Mr. Gibrall’s prospective broker and Mr. Gibrall, applicant were present to answer any questions. A motion was made by Ms. Daniels and seconded by Mr. Oglesby to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Gibrall’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

File Number 2004-01266
Patrick Mike Gibrall, Sr.

In the matter of **File Number 2001-01303, Lisa Kyriakides**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member’s summary. Ms. Kyriakides was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation and to close the file. The motion passed by majority vote. Members voting “Yes” were Oglesby, Daniels, Johnson and Taylor. Member voting “No” was Key. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2001-01303
Lisa Kyriakides

In the matter of **File Number 2003-03503, Aileen & David Leavitt and Stephan L. Batton**, the Board reviewed the record which consisted of the Recovery Act Claim file, transcript, exhibits from the IFF, and the presiding Board member’s summary. There were no representatives present. A motion was made by Ms. Daniels and seconded by Mr. Key to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve the claim for payment in the amount of \$3,200.35, which includes Judgment for “insufficient funds” in the amount of \$3,170.35 plus \$30.00 Court Cost. The basis for the Judgment falls within the definition of improper and dishonest conduct per Section 54.1-2112, of the Code of Virginia. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2003-03503
Aileen & David Leavitt
and Stephan L. Batton

In the matter of **File Number 2002-02246, Stephen L. Batton**, the Board reviewed the record which consisted of the disciplinary file,

File Number 2002-02246
Stephen L. Batton

transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Batton was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close Count I of this file finding of no violation. The motion passed unanimously. Members voting "Yes" were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II. The motion passed unanimously. Members voting "Yes" were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Daniels and seconded by Mr. Key to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$250.00 monetary penalty for the violation of the Board's 1999 Regulation 18 VAC 135-20-260(9) for Count II. The total monetary penalty is \$250.00. The motion passed unanimously. Members voting "Yes" were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2002-03047, Lottie Suzette Robinson**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Robinson was not present. A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding no violation and to close this file. The motion passed by majority vote. Members voting "Yes" were Oglesby, Daniels, Johnson, and Taylor. Board member voting "No" was Key. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-03047
Lottie Suzette Robinson

In the matter of **File Number 2003-00070, Sheila Jane Wright**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Wright was not present. A motion was made by Ms.

File Number 2003-00070
Sheila Jane Wright

Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of Section 54.1-2138(A) of the Code of Virginia for Count I. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding a violation of the Board’s regulation 18 VAC 135-20-260(8) for Count II. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$500.00 monetary penalty for the violation of Section 54.1-2138(A) of the Code of Virginia for Count I. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Daniels and seconded by Ms. Johnson to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and increase the monetary penalty to \$500.00 because of the severity of the violation and previous disciplinary history. The total monetary penalty of \$1000.00 is imposed. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00508, Gary E. Schmidt**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer’s summary. Mr. Schmidt was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Schmidt’s application for a real estate salesperson’s license. The motion

File Number 2004-00508
Gary E. Schmidt

passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who reviewed the application file, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00812, Lane A. Midgett**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member’s summary. Mr. Midgett was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Midgett’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, and Key. There were no negative votes. Ms. Taylor recused herself from the vote due to a Conflict of Interest. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-00812
Lane A. Midgett

In the matter of **File Number 2004-00968, Grace Beauregard**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member’s summary. Ms. Beauregard was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to approve Ms. Beauregard’s application for a broker’s license contingent upon Beauregard entering into an Agreement for Licensure. Beauregard will be issued an associate broker’s license to be placed under the supervision of a principal broker for a period of one year. Under the terms of the Agreement for Licensure, Beauregard and the principal broker are to report on a quarterly basis. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-00968
Grace Beauregard

In the matter of **File Number 2004-00808, Suzanne Marie Ore**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer’s summary. Ms. Ore was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Ore’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who reviewed the application file, did not participate in the discussion or vote in this matter.

File Number 2004-00808
Suzanne Marie Ore

In the matter of **File Number 2002-00796, Ned E. Pugh**, the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Pugh was not present. A motion was made by Ms. Johnson and seconded by Ms. Taylor to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close Count I of this file finding no violation. The motion passed unanimously. Members voting "Yes" were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2002-00796
Ned E. Pugh

A motion was made by Ms. Daniels and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference finding violation of the Board's Regulations 18 VAC 135-20-260(8) and 18 VAC 135-20-260(9) for Count II. The motion passed unanimously. Members voting "Yes" were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

A motion was made by Ms. Daniels and seconded by Mr. Key to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference imposing a \$150.00 monetary penalty for the violation of the Board's Regulations 18 VAC 135-20-260(8) and 18 VAC 135-20-260(9) for Count II. The monetary penalty was increased to \$150.00 for each violation because the violations necessitate a greater monetary penalty. The total monetary penalty imposed is \$300.00. The motion passed by majority vote. Members voting "Yes" were Oglesby, Daniels, Key, Clark and Taylor. The member voting "No" was Johnson. Mr. Owens, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2002-02638, William C. Wells, t/a Wells Realty & Insurance Company**, the Board reviewed the record, which consisted of the Consent Order. Mr. Wells, respondent was not present. A motion was made by Ms. Daniels and seconded by Ms. Johnson to ratify the Consent Order finding a violation of § 54.1-2135(A)(1) of the Code of Virginia, imposing a monetary penalty of \$250.00 for Count I; finding a violation of § 54.1-2135(A)((3) of the Code of Virginia, imposing a monetary penalty of \$250.00 for Count II; finding a violation of § 54.1-2135(A)(2) of the Code of Virginia, imposing no monetary penalty given that this violation is closely related to the violations in Count I and Count II for Count III; finding a violation of the Board's 1999

File Number 2002-02638
William C. Wells, t/a
Wells Realty &
Insurance Company

Regulation 18 VAC 135-20-320(3), imposing a \$500.00 monetary penalty for Count IV; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-180(C)(2), imposing a \$500.00 monetary penalty for Count V; and finding a violation of 18 VAC 135-20-180(B)(4), imposing a \$300.00 monetary penalty for Count VI. The total monetary penalty imposed is \$1,800.00.

Additionally, Wells agrees to an audit, performed by a licensed CPA within 6 months of entry of this order by the Board, documenting compliance with all the Board rules, regulations and statutes. Wells agrees to provide a copy of this audit report to the Board, in a form acceptable to the Board, within the designated 6 month period. Wells also agrees to successfully complete at least a 4 hour course(s) in property management, with emphasis on escrow and rental accounts, within in 6 months of entry of this order by the Board, providing the Board with proof of successful completion of this course(s) in a form acceptable to the Board. The motion passed unanimously. Members voting "Yes" were Oglesby, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Owens and Ms. Clark, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-00063, Edward C. Meise, Jr.**, the Board reviewed the record, which consisted of the Consent Order. Mr. Meise was not present. A motion was made by Ms. Johnson and seconded by Ms. Clark to ratify Consent Order Number 2004-0078, finding a violation of § 54.1-2135(A) (1) of the Code of Virginia, imposing a \$100.00 monetary penalty for Count I; finding a violation of the Board's 1999 Regulation 18 VAC 135-20-210(A), imposing a \$100.00 monetary penalty for Count II; and reimbursement of investigative costs to the Department in the amount of \$300.00. The total monetary penalty imposed is \$500.00. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Oglesby, who reviewed the file, did not participate in the discussion or vote in this matter.

File Number 2003-00063
Edward C. Meise, Jr.

In the matter of **File Number 2003-01951, John G. Murray Mahool**, the Board reviewed the record, which consisted of the Consent Order. Mr. Mahool, respondent was not present. A motion was made by Ms. Clark and seconded by Ms. Taylor to ratify Consent Order Number 2004-0075, finding a violation of the Board's 1999 Regulation 18 VAC 135-20-310(2), imposing a \$300.00 monetary penalty for Count I; and reimbursement of investigative costs to the Department in the amount of \$200.00. The total monetary penalty imposed is \$500.00.

File Number 2003-01951
John G. Murray Mahool

The motion passed unanimously. Members voting “Yes” were Owens, Clark, Daniels, Johnson, Key and Taylor. Mr. Oglesby, who reviewed the file, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2003-02664, Ladawn P. Knicely**, the Board reviewed the record, which consisted of the Consent Order. Ms. Knicely was not present. A motion was made by Ms. Clark and seconded by Ms. Daniels to ratify Consent Order Number 2004-0077 finding a violation of the Board’s 1999 Regulation 18 VAC 135-20-260(8) imposing a \$200.00 monetary penalty for Count I; and reimbursement of investigative costs to the Department in the amount of \$200.00. The total monetary penalty imposed is \$400.00. The motion passed unanimously. Members voting “Yes” were Owens, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Oglesby, who reviewed the file, did not participate in the discussion or vote in this matter.

File Number 2003-02664
Ladawn P. Knicely

In the matter of **File Number 2004-01007, Patricia Ann Makin**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member’s summary and recommendation. Ms. Makin was not present. A motion was made by Ms. Clark and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Makin’s application for a real estate salesperson’s license. The motion passed unanimously. Members voting “Yes” were Owens, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact-Finding Conference did not participate or vote in this matter.

File Number 2004-01007
Patricia Ann Makin

In the matter of **File Number 2004-01331, John F. Cassata**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding Board member’s summary. Mr. Cassata was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead to approve Mr. Cassata’s application for a real estate broker’s license. The motion passed unanimously. Members voting “Yes” were Owens, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes. Mr. Oglesby, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

File Number 2004-01331
John F. Cassata

In the matter of **File Number 2003-03267, Lyndon Charles Thompson**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding

File Number 2003-03267
Lyndon Charles
Thompson

Board member's summary. Mr. Thompson was not present. A motion was made by Mr. Oglesby and seconded by Ms. Taylor to defer the case back to adjudication for another IFF to consider new information. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Daniels, Oglesby, Key and Taylor. There were no negative votes. Ms. Johnson, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter.

In the matter of **File Number 2004-00813, Marcus W. Gorra Stockman**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Stockman was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Stockman's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Johnson, Daniels, Oglesby, Key and Taylor. There were no negative votes.

File Number 2004-00813
Marcus W. Gorra
Stockman

In the matter of **File Number 2004-00841, Edwin L. Clark**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Clark was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Clark's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Johnson, Daniels, Oglesby, Key and Taylor. There were no negative votes.

File Number 2004-00841
Edwin L. Clark

In the matter of **File Number 2004-01006, Kevin Dean Rubink**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Rubink was not present. A motion was made by Mr. Oglesby and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Rubink's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Johnson, Daniels, Oglesby, Key and Taylor. There were no negative votes.

File Number 2004-01006
Kevin Dean Rubink

In the matter of **File Number 2004-01062, Penny M. Sherman**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Ms. Sherman was not present. A motion was made by Ms. Clark to accept the recommendation contained in the Summary of the Informal

File Number 2004-01062
Penny M. Sherman

Fact-Finding Conference with the addition that the approval be contingent upon Ms. Sherman and her broker entering into an Agreement for Licensure where they are required to report on a quarterly basis for a two year period. The motion failed because there was no second.

A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Sherman's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Johnson, Daniels, Oglesby, Key and Taylor. There were no negative votes.

In the matter of **File Number 2004-01073, Jason T. Ciatteo**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding officer's summary. Mr. Ciatteo was not present. A motion was made by Ms. Johnson and seconded by Ms. Daniels to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Ciatteo's application for a real estate salesperson's license. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Johnson, Daniels, Oglesby, Key and Taylor. There were no negative votes.

File Number 2004-01073
Jason T. Ciatteo

Ms. Martine gave an overview of the Fast Track Regulation. A motion was made by Ms. Oglesby and seconded by Ms. Johnson to adopt the regulation change through Fast Track Regulation review to be in compliance with the Code section. The motion passed unanimously. Members voting "Yes" were Owens, Clark, Johnson, Daniels, Oglesby, Key and Taylor. There were no negative votes.

Fast Track Regulation
Review

Ms. Carol Mitchell gave a presentation of the DPOR Alternative Dispute Resolution Program. Ms. Mitchell will return to the January 22, 2004 Board meeting to present further information.

The DPOR Alternative
Dispute Resolution
Program

Mr. Owens read the Education Committee Report. A motion was made by Mr. Owens and seconded by Mr. Key to approve the recommendations contained in the **December 3, 2003 Education Committee Report**. The motion passed unanimously. Members voting "Yes" were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

Education Committee
Report

The Board considered the request of Virginia Loflin Stokes, spouse of the late John Edward Stokes, principal broker of John Stokes Realty, to allow Ms. Stokes to close out the real estate business of John Stokes Realty, for 180 days for the purpose of concluding the business in

Death of Broker

accordance with § 54.1-2109 of the Code of Virginia. A motion was made by Mr. Oglesby and seconded by Ms. Clark to allow Virginia Loflin Stokes, to close out the real estate business of John Stokes Realty in accordance with § 54.1-2109 of the Code of Virginia. The motion passed unanimously. Members voting “Yes” were Owens, Oglesby, Clark, Daniels, Johnson, Key and Taylor. There were no negative votes.

Financial Disclosure Statements were distributed to Board members which must be completed and returned to DPOR by December 31, 2003.

New Business

The meeting adjourned at 12:45 p.m.

Adjourn

S. Ronald Owens, Chairman

Louise Fontaine Ware, Secretary

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Custodian of the Record